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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,570	09/09/2003	Norbert Schug	SCHUG ET AL 1	3414

25889 7590 02/09/2006

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EXAMINER	
AFZALI, SARANG	

ART UNIT	PAPER NUMBER
3729	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/658,570	SCHUG ET AL.	
	Examiner	Art Unit	
	Sarang Afzali	3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment filed 11/18/2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) *1-10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09092003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II claims 11-14 in the reply filed on 11/18/2005 is acknowledged.

The traversal is on the ground(s) that according to the Applicant it is believed that the present invention is directed to a unitary inventive concept, namely, a device and method for pressing a bearing jacket onto a monolith. It is believed that any search the Group embodied in claims 1 to 10 would necessarily include a search for the Group embodied claims Thus, believed not to simultaneous search for all of the groups constitute an unreasonable search for the Patent Examiner.

This is not found persuasive because the two groups of inventions are indeed distinct from one another with Group I, Claims 1-10, drawn to a device, classified in class 29, subclass 715 and Group II, Claims 11-14, drawn to a method, classified in class 29, subclass 890.

The inventions are distinct, each from the other because of the following reasons: Inventions of Groups I and II, as claimed, are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process could be practiced by an apparatus that does not have at least one slide gate. Because these inventions are distinct for the

reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-10 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/18/2005.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Dryer (U.S. 5,118,476).

As applied to claim 11, Dryer teaches a method of forming a catalytic converter comprising: pressing a bearing jacket (body 3, Fig. 5) onto a monolith of a catalytic converter (substrate 7 with ends 9 and mat 13, Figs. 1 & 5), in particular of a motor vehicle, characterized in that the bearing jacket (3) surrounding the monolith (7 with 9 & 13) on the periphery (surrounded by ends 15a & 15b plus sides 29, Figs. 5 & 6) is pressed (forming dies 33 with surfaces 35 including cavities 37, Figs. 6 & 7) onto the monolith (3) in a first peripheral section (shown by 11a, Attached Figs. “A” & 7) during an initial phase and in a second peripheral section (shown by 11b, Attached Figs. “A” &

7), whereby the two peripheral sections together (11a plus 11b, Fig. "A") are smaller than the total circumference (11a plus 11B plus 11c plus 11d, Fig. "A") of the monolith surrounded by the bearing jacket (3) pressed onto it; the bearing jacket (3) is pressed (compression dies 39 with surfaces 41, Figs. 8-10) onto the monolith (7 with 9 & 13) during a subsequent second phase in at least one third peripheral section (11c, 11d, Figs. "A" & 9) situated between the first peripheral section (11a, Fig. "A") and the second peripheral section (11b, Fig. "A"), whereby the first peripheral section and the second peripheral section together with all the third peripheral sections are the same size as the total circumference of the monolith (7 with 9 & 13) surrounded by the bearing jacket (3) pressed onto it.

Note that the dimension 11a plus 11b plus 11c plus 11d is equal to the total circumference of the monolith surrounded by the jacket (3). This can be seen as forming dies (33) press the ends 15a & 15b with parts of ring portions (29) in the first phase and furthermore in the second phase compression dies (39) press the rest of the ring portions (29) that have not been affected by the first pressing phase (done by dies 33). This can be verified by superimposing the two figures of 7 & 8 on top of each other or by measuring the relevant dimensions of the tools (33) and (39).

As applied to claim 13, Dryer teaches a method wherein two mutually opposite third peripheral sections (11c & 11d, Fig. "A") are provided; the first peripheral section (11a, Fig. "A") being approximately as large as the second peripheral section (11b, Fig. "A") and a third peripheral section (11c) and another third peripheral section (11d, Fig. "A") together.

5. Claims 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Arenda et al. (U.S. 6,317,976).

As applied to claim 11, Arenda et al. teach a method of making a catalytic converter for use in an internal combustion engine comprising: pressing a bearing jacket (body 3, Fig. 5) onto a monolith of a catalytic converter (substrate 10, Fig. 1), in particular of a motor vehicle, characterized in that the bearing jacket (shell 14, Fig. 1) surrounding the monolith (10) on the periphery is pressed (resizing die 18 with plurality of fingers 20, Fig. 2) onto the monolith (10) in a first peripheral section (section left of Z-Z axis, Attached Fig. 1) during an initial phase and in a second peripheral section (section right of Z-Z axis, Attached Fig. 1), whereby the two peripheral sections together are smaller than the total circumference (smaller by the amount of the bulges “C” & “D”, Attached Fig. 1) of the monolith (10) surrounded by the bearing jacket (14) pressed onto it; the bearing jacket (10) is pressed onto the monolith (10) during a subsequent second phase (wherein the compressed metal shell/wrapped substrate assembly in the first phase is removed from the resizing die, rotated 180° and reinserted into the resizing die, col. 5, lines 57-67 & col. 6, lines 1-2) in at least one third peripheral section (Bulge “C” & Bulge “D”, Attached Fig. 1) situated between the first peripheral section (section left of Z-Z axis) and the second peripheral section (section right of Z-Z axis), whereby the first peripheral section and the second peripheral section together with all the third peripheral sections are the same size as the total circumference of the monolith (10) surrounded by the bearing jacket (14) pressed onto it.

Note that when adding section left and right of Z-Z axis and the Bulges "C" & "D" the resultant is equal to the total circumference of the monolith (10) surrounded by the bearing jacket (14) pressed onto it (see Attached Fig. 1).

As applied to claim 12, Arenda et al. teach a method wherein, the first peripheral section (section left of Z-Z axis) and the second peripheral section (section right of Z-Z axis) are each approximately half as large as the total circumference of the monolith (10) surrounded by the bearing jacket (14) pressed onto it (see Attached Fig. 1); the first peripheral section and the second peripheral section are each definitely larger than each individual third peripheral section (Bulge "C" & Bulge "D", Attached Fig. 1).

As applied to claim 13, Arenda et al. teach a method wherein two mutually opposite third peripheral sections (Bulges "C" & "D", Attached Fig. 1) are provided; the first peripheral section (section left of Z-Z axis) being approximately as large as the second peripheral section (section right of Z-Z axis) and a third peripheral section (Bulge "C") and another third peripheral section (Bulge "D") together.

As applied to claim 14, Arenda et al. teach the invention cited including inserting the monolith (10) with the bearing jacket (14) pressed onto into a prefabricated pipe whose inside cross section corresponds to the outside cross section of the monolith (10) surrounded by the bearing jacket (14) pressed onto it. The Examiner considers that inherently the assembly of monolith (10) with jacket (14) pressed onto it as taught by Arenda et al. is fittingly inserted into a prefabricated ~~pie~~ pipe (portion of the engine housing) since Arenda et al. explicitly teach that the assembly (10 and 14) is used in an internal combustion engine.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sussmilch et al. (U.S. 6,405,437) disclose a method for encasing an object in a case such as one used in vehicle exhaust system wherein an outer case (32) is wrapped around a substrate (28) and mat (30) in first phase and then a welder (90) couples ends (34, 36) of case (32) in the second phase (Fig. 6).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarang Afzali whose telephone number is 571-272-8412. The examiner can normally be reached on 7:00-3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.A.
02/03/2006

MARC JIMENEZ
PRIMARY EXAMINER
2-6-06

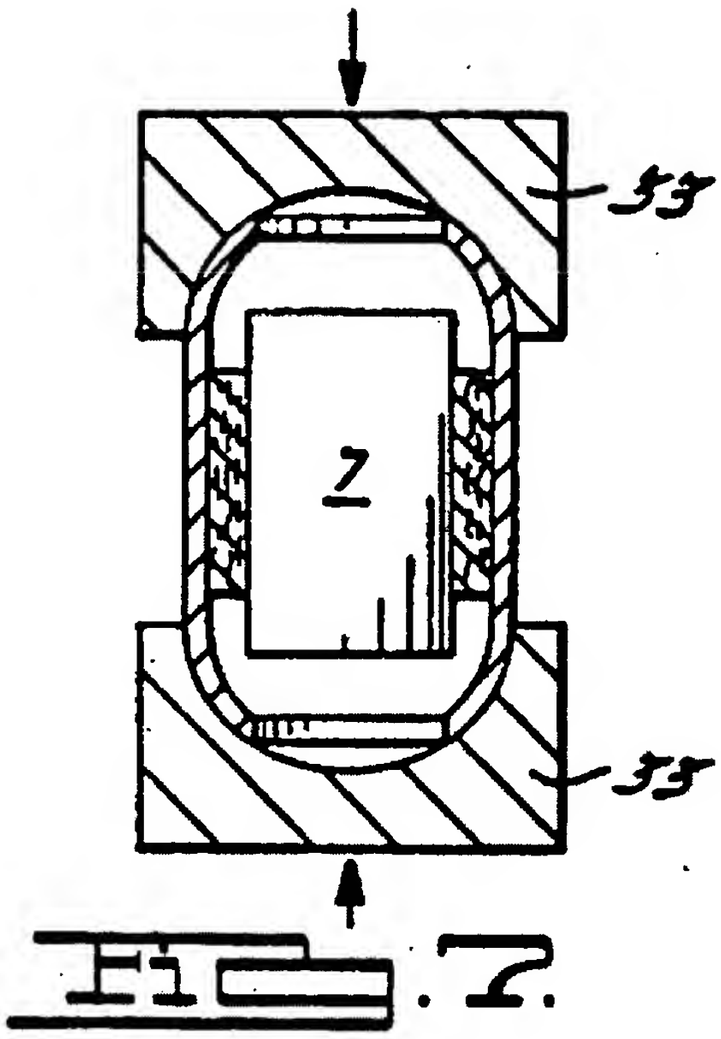


Fig. 2.

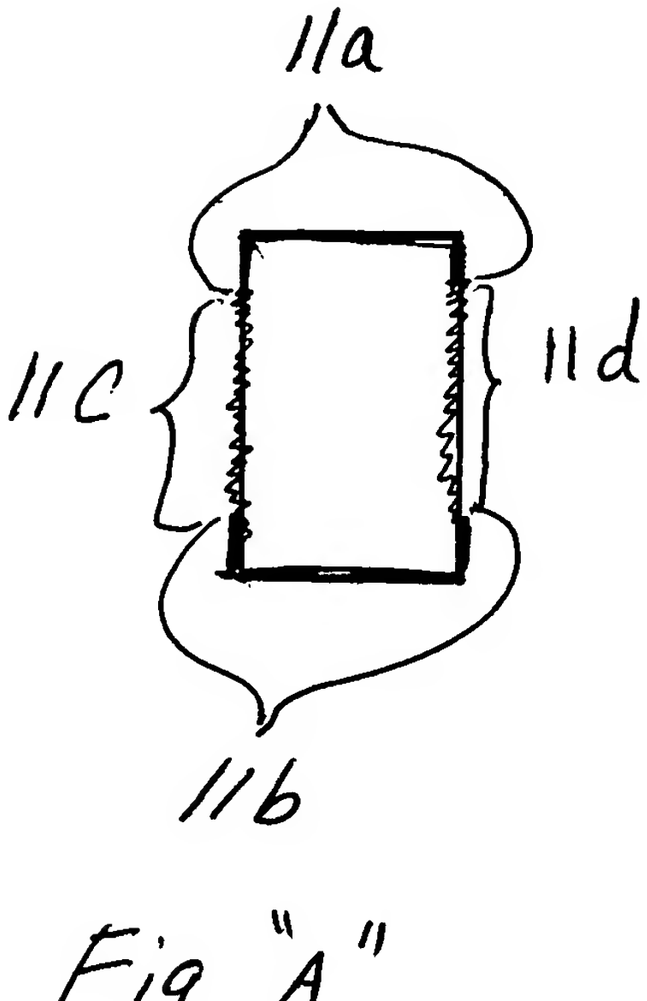


Fig. "A"

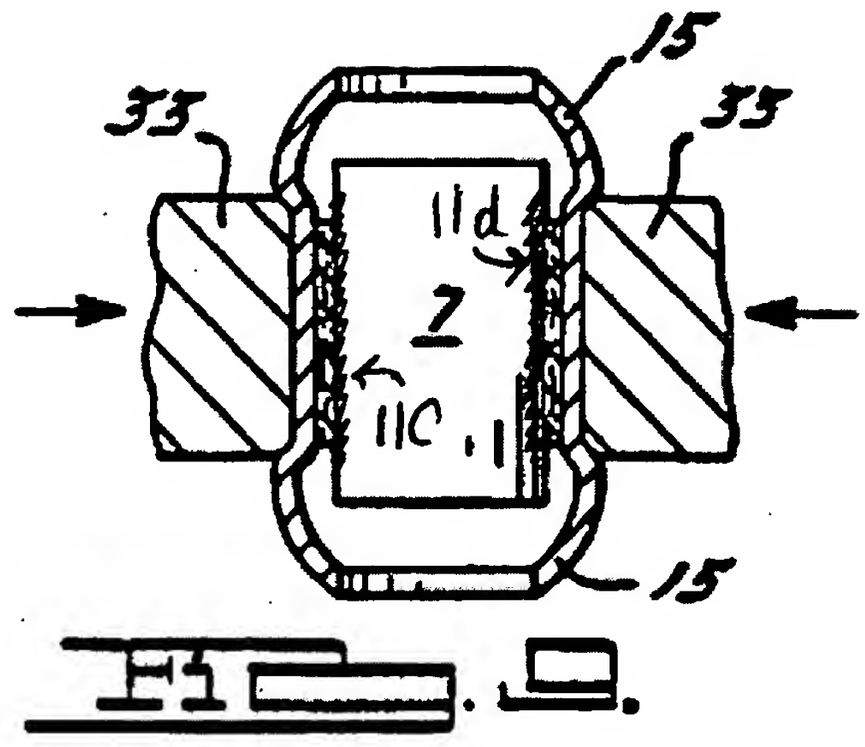
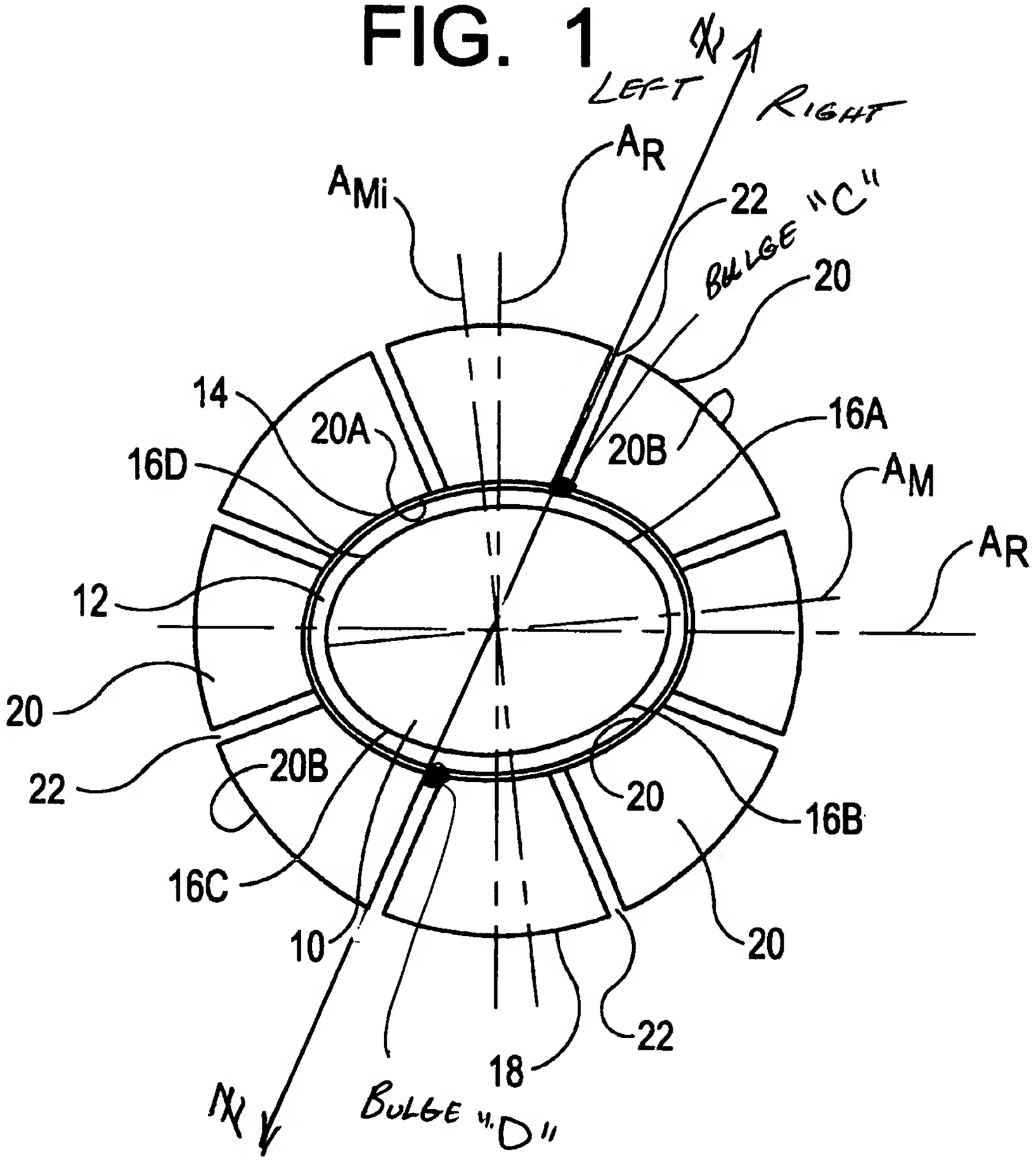


Fig. B.

FIG. 1


N
LEFT
RIGHT
A_R
A_{Mi}
22
BULGE "C"
20
14
20A
20B
16A
16D
A_M
A_R
12
20
22
20B
20
16B
16C
10
20
22
18
N
BULGE "D"